

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

Pablo L. Hizole)
A 95 918 752)
Plaintiff,)
v.)
Michael Chertoff, Secretary of)
U.S. Department of Homeland Security;)
Donald Ferguson, United States Citizenship)
& Immigration Service, Chicago District Director;)
Michael B. Mukasey, U.S. Attorney General;)
Emilio Gonzalez, Director of the United States)
Citizenship & Immigration Services;)
and the United States of America.)
Defendants.)

FILED
March 18, 2008 TG
No. 08cv1573
Judge LEINENWEBER
Magistrate Judge COLE

COMPLAINT FOR WRIT OF MANDAMUS

NOW COMES the Plaintiff Pablo L. Hizole ("Pablo"), by and through his attorneys, the
AzulaySeiden Law Group, and complains as follows:

INTRODUCTION

1. This action is brought to compel action on Pablo's properly filed Application for Lawful Permanent Resident Status ("Form I-485") and Application for Waiver of Ground of Excludability ("Form I-601") with the United States Citizenship & Immigration Services ("USCIS" or "the Service") in Chicago, Illinois. To Pablo's detriment, Defendants have failed to adjudicate the applications.

PARTIES

2. Pablo is a native and citizen of the Philippines, who entered the United States on August 8, 1990.

3. On September 30, 2002, Pablo filed Form I-485, which remains pending with USCIS in Chicago, Illinois. At his interview in July of 2004, he was instructed by a USCIS Adjudications Officer that he required Form I-601, which was submitted to USCIS in October of 2004, and also remains pending with USCIS in Chicago, Illinois.

4. Defendant Michael CHERTOFF ("Chertoff"), the Secretary for the Department of Homeland Security ("DHS"), is being sued in his official capacity only. Chertoff is responsible for the adjudication of Pablo's application pursuant to 8 U.S.C. §1225.

5. Defendant Donald FERGUSON ("Ferguson"), the District Director of Chicago USCIS, is being sued in his official capacity only. Ferguson is charged with supervisory authority over all of Chicago USCIS operations and USCIS agents and officers acting in their official capacity.

6. Defendant, Michael B. MUKASEY ("Mukasey"), the Attorney General of the United States, is being sued in his official capacity only. Mukasey is responsible for the adjudication of Pablo's application pursuant to 8 U.S.C. §1225.

7. Defendant Emilio GONZALEZ ("Gonzalez"), the Director of USCIS, is being sued in his official capacity only. Gonzalez is charged with the duties of administrating and enforcing immigration and citizenship laws. 8 U.S.C. §1103(g)(1).

JURISDICTION

8. This Court has original jurisdiction to hear both civil actions arising under the laws of the United States and actions to compel an officer or employee of the United States or any agency thereof to perform a duty. 28 U.S.C. §1331; 28 U.S.C. §1361. This Court also has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§2201-2202. Relief is requested pursuant to said statutes.

9. This action is brought to compel the Defendants, officers and an agency of the United States, to perform the duties arising under the law of the United States.

10. This Court has jurisdiction to hear actions arising from claims that an agency or an officer or employee of a government agency failed to act in its official capacity and the person to whom the duty owed suffered a legal wrong. 5 U.S.C. §702.

11. This action invokes Pablo's right of due process under the Fifth Amendment of the United States Constitution, over which this Court retains jurisdiction. 28 U.S.C. §1331

12. Federal courts retain jurisdiction over adjudication matters when the INS (now USCIS) refuses to adjudicate their applications. *Iddir v. INS*, 166 F.Supp.2d 1250, 1260 (N.D. Ill. 2001).

13. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") does not divest this Court of jurisdiction because Pablo is not seeking a review of a denial; he is seeking to have his applications adjudicated, which is among the duties conferred upon the Defendants by Congress. *Id.* at 1256.

14. This Court also has jurisdiction to award Pablo reasonable attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412, for failure of Defendants to perform their duties within the statutory time period.

VENUE

15. Venue is proper in this court pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Pablo's claim occurred.

16. Pablo's Form I-485 and Form I-601 were properly filed and, to Pablo's knowledge, remain pending with the Chicago USCIS District Director.

EXHAUSTION OF REMEDIES

17. Pablo has exhausted all administrative remedies. He has made numerous inquiries concerning the status of his applications and Defendants have failed to properly respond.

CAUSE OF ACTION

16. Pablo is a native and citizen of the Philippines, who entered the United States in August of 1990.

17. In September of 2000, Pablo's wife filed a Petition for Alien Relative on her husband's behalf. See Exhibit 1. The petition was approved in August of 2001. Id.

18. In September of 2002, Pablo filed Form I-485, which remains pending with USCIS in Chicago, Illinois. See Exhibit 2.

19. On July 15, 2004, Pablo and his wife appeared for their initial interview at the USCIS District Office in Chicago, Illinois in regards to the adjudication of Pablo's Form I-485. See Exhibit 3.

20. On July 16, 2004, the Adjudicating Officer issued a Request for Evidence, requesting that Pablo file Form I-601 within 84 days as a result of his unlawful entry into the United States. See Exhibit 4. A timely response was made on October 8, 2004. See Exhibit 5.

21. When a decision had not been made approximately two years later, Pablo, through his attorneys, sent a status inquiry to the USCIS Chicago District Office. See Exhibit 6. The inquiry was marked as received on October 6, 2006. Id. No response was received to this inquiry.

22. On January 17, 2008, Pablo, through his attorneys, sent a second status inquiry to the USCIS Chicago District Office. See Exhibit 7. A response was not issued.

23. It has been over three years and five months since Pablo submitted the documentation requested by USCIS in order for his Form I-485 to be adjudicated. Throughout that time numerous inquires have been made with the Service and a response has not been received.

24. Pablo has been greatly damaged by the failure of the Defendants to act in accord with their duties under law.

- a. Pablo has a meritorious application for adjustment of status to that of lawful permanent resident which cannot be adjudicated because of Defendants' refusal to do so.
- b. Pablo has been further damaged in that his employment authorization is tied to his status as an applicant for permanent residency, and is limited to an increment not to exceed one year. 8 C.F.R. §274a.12(c)(9). Therefore, as required by law and in order to keep his work eligibility, he has been forced to repeatedly apply and pay for extensions of employment authorization. INA §274(a)(2), 8 U.S.C. §1324a(a)(2).

25. The Defendants delay in the processing of Pablo's applications has further deprived Pablo of his right to due process under the law as provided by the Fifth Amendment of the United States Constitution.

26. The Defendants, in violation of the Administrative Procedure Act, 5 U.S.C. §701 *et seq.* are unlawfully withholding and unreasonably delaying action on Pablo's applications and have subsequently failed to carry out the adjudicative functions delegated to them by law with regard to his case.

27. Pablo has made numerous status inquiries in the attempt to secure adjudication of his application, to no avail. Accordingly, he has been forced to pursue the instant action.

PRAYER

WHEREFORE, Pablo requests that this Honorable Court enter an order:

- (a) Requiring Defendants to adjudicate Pablo's Application for Lawful Permanent Resident Status (Form I-485);
- (b) Awarding Pablo reasonable attorney's fees pursuant to 28 U.S.C. §2412 for failure of the Defendants to perform their duties within a reasonable amount of time; and
- (c) Granting such other relief at law and in equity as justice may so require.

Respectfully submitted,

s/REBECCA M. WHITING
Rebecca M. Whiting

AzulaySeiden Law Group
Attorneys for Plaintiff
205 North Michigan Ave., 40th Floor
Chicago, IL 60601
(312) 832-9200
#6294076

NOTICE OF FILING

TO:

US Attorney General
Michael B. Mukasey
950 Pennsylvania Ave., NW
Washington, D.C. 20530
Via Certified Mail

District Director, USCIS
Donald Ferguson
101 West Congress Pkwy.
Chicago, IL 60605
Via Certified Mail

United States Attorney
219 South Dearborn, 5th Fl.
Chicago, IL 60604
Via Certified Mail

Office of General Counsel
Michael Chertoff
U.S. Dept. of Homeland Security
Washington, D.C. 20528
Via Certified Mail

Emilio T. Gonzalez
20 Massachusetts Ave., N.W.
Washington, D.C. 20529
Via Certified Mail

PLEASE TAKE NOTICE that on March 18, 2008, Plaintiff electronically filed with the United States District Court for the Northern District of Illinois, their Complaint for Writ of Mandamus.

s/REBECCA M. WHITING
Rebecca M. Whiting

AzulaySeiden Law Group
Attorneys for Plaintiff
205 North Michigan Ave., 40th Floor
Chicago, IL 60601
(312) 832-9200
#6294076

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER LIN-00-268-54170		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE (E), OR ORPHAN
RECEIPT DATE September 26, 2000	PRIORITY DATE September 20, 2000	PETITIONER HIZOLE, MARIA S.
NOTICE DATE August 28, 2001	PAGE 1 of 1	BENEFICIARY HIZOLE, PABLO L.

Y J. AZULAY
AZULAY HORN VILLASUSO & YOO
ONE EAST WACKER DRIVE 2700
CHICAGO IL 60601

Notice Type: Approval Notice
Section: Husband or wife of permanent
resident, 203(a)(2)(A) INA

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. The evidence indicates that he or she is not eligible to file an adjustment of status application. This determination is based on the information submitted with the petition and any relating files. If the person for whom you are petitioning believes that he or she is eligible for adjustment of status, then he or she should contact the local INS office for more information.

Because the person for whom you are petitioning is not eligible to adjust, we have sent the approved petition to the Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. NVC processes all approved immigrant visa which consular post is the appropriate consulate to complete visa processing. NVC will then forward the approved petition to that consulate.

This completes all INS action on this petition. If you have any questions about visa issuance, please contact the NVC directly. The telephone number to NVC is (603) 334-0700. Please allow 90 days before contacting the National Visa Center regarding your petition.

The NVC will communicate with the person for whom you are petitioning concerning further immigrant visa processing steps.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

March 18, 2008 TG
08cv1573
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Magistrate Judge COLE

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NEBRASKA SERVICE CENTER
U. S. IMMIG. & NATZ. SERVICE
P.O. BOX 82521
LINCOLN NE 68501-2521
Customer Service Telephone: 402-323-7830



EXHIBIT

tabbies

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**Immigration & Naturalization Service
10 West Jackson Boulevard
Chicago, Illinois 60604**

March 18, 2008 TG

08cv1573

10/16/02

Judge LEINENWEBER

Pablo Hizole Magistrate Judge COLE

RE: 95918752

Dear Applicant,

We have received your application for lawful permanent residence in the United States. Your receipt date is 09/30/02. We currently have approximately 26 months from receipt date to interview.

You will receive a notice for your fingerprints, and subsequently a letter for interview approximately two months prior to your appointment date. The appointment letter will advise you what is needed at the time of interview.

FURTHER:

A) If you applied as a family, all members of the family must be present at the interview.

B) If you are a diversity lottery winner, and do not receive an appointment for prints and interview one month after receipt of this letter, contact the office immediately, make a copy of this letter, and explain that you are a DV case and have not received your appointment for interview. Your adjustment must be completed before September 30th of the filing year.

C) If you are filing as a child, under 21 years of age, and will reach your 21st birthday before the normal backlog period is reached, please notify this office IMMEDIATELY, in order that the application can be processed timely.

If you have filed for a work authorization card, you will receive an appointment letter for the initial card within 90 days. If you choose to file for employment authorization at a later date, you must submit the Form I-765. Request for work authorization by mail. Employment Authorization will not be issued on a walk-in basis. Please send the completed I-765 with proper fee to the following address:

**U.S. Immigration and Naturalization Service
P.O. Box A3462, Chicago, Illinois 60690-3462
Attn: EAD**

Since you have an application for adjustment pending and need to travel outside of the United States, you must file form I-131. Permission to travel is not an automatic grant. If at the time you file the application for residency, you were out of status or illegally in the United States for 6 months or longer, advance parole WILL NOT BE GRANTED. If the application is filed and you are denied, the filing fee is not refundable.

If you do not fall into either category B or C, please do not inquire about the status of your application prior to the backlog period mentioned. It will only further delay the processing time. Any ADDRESS CHANGES should be mailed with a copy of this letter to U.S. INS, P.O. Box A3462, Chicago, Illinois 60690-3462.

Sincerely,

Brian R. Perryman
District Director

Y. Judd Azulay
1 E. Wacker Dr., Ste 2700
Chicago, IL 60601





08cv1573
Judge LEINENWEBER
Magistrate Judge COLE

DEPARTMENT OF HOMELAND SECURITY
BUREAU OF CITIZENSHIP & IMMIGRATION SERVICES

539 South LaSalle Street.
Chicago, Illinois 60605

DATE: June 7, 2004
95918752

PABLO L. HIZOLE
[REDACTED]
[REDACTED]

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APPOINTMENT NOTICE

You are scheduled for an interview on your application, I-485 to adjust status to that of lawfully admitted for permanent residence. Please appear at the INS Office, 230 South Dearborn Street, 2nd Floor, Chicago, IL on 7/15/2004 at 11:05:00 AM.

Please read this notice carefully and follow the instructions below:

- Comply with the attached "ADJUSTMENT INTERVIEW DOCUMENTARY REQUIREMENTS"
- Your petitioner must accompany you to the interview.
- You must bring evidence of your legal entry into the United States including your passport and form I-94. You and your petitioner must bring photo identification. If your petitioner is a Permanent Resident, he or she must bring their Alien Registration Card.
- If you do not speak English, an adult (other than a family member), who can act as an interpreter, must accompany you to the interview. If you require a sign language interpreter please notify us immediately at TDD (312) 385-1813.

Failure to appear for the scheduled interview will be deemed an abandonment of the application and will result in a denial of the application pursuant to 8 CFR 103.2(b)(13). Also, failure to bring the documents requested of you as indicated on the attached "Adjustment Interview Documentary Requirements" may result in denial of the application due to lack of prosecution.

Sincerely,

Michael Comfort
District Director

Y. JUDD AZULAY
ONE EAST WACKER DRIVE, STE. 2700
CHICAGO, IL 60601



March 18, 2008 TG

08cv1573

Judge LEINENWEBER

Magistrate Judge COLE



U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Citizenship and Immigration Services

230 South Dearborn Avenue
Chicago, IL 60604

Pablo Hizole

July 16, 2004

NUMBER: A95 918 752

Attny: Y. Judd Azulay

REQUEST FOR EVIDENCE

The documentation submitted during the adjustment interview is not sufficient to warrant a favorable consideration of your petition/application. The following information is also required:

PLEASE SEE FOLLOWING SHEET

Your response must be received in this Office **within 84 days** of the date on this notice, your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based on the record; or
3. Withdraw the application or petition. (It is noted that if you request that the application or petition be withdrawn, the filing fee cannot be refunded).

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based upon the record (#2 Above). No extension of the period allowed to submit evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied.

If you do not respond to this request with the time allowed, your case will be considered abandoned and denied due to lack of prosecution. Evidence received in this office after the due date may not be considered.

PLACE THIS LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.

Please submit all documents to the attention of: Customer Service

P.O. Box 3616

Chicago, IL 60690-3616

ATTN: OFFICER TUAZON

Sincerely,

Michael Comfort
District Director

EXHIBIT

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**Department of Homeland Security
U.S. Citizenship and Immigration Services**

PLEASE RETURN THIS LETTER WITH YOUR RESPONSE TO ATTN: OFFICER TUAZON

Name: P. Hizole

Alien Registration Number: A95 918 752

PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS

- ☐ 1. Please complete the blocks on your enclosed application/petition/form, which are highlighted.
- ☐ 2. Furnish the required fee of \$ 1000 for Form 485a.
- ☐ 3. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 4. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled or provide a sworn statement of how you entered the United States.
- ☐ 5. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from the chin to top of hair or head, shown in 3/4 frontal view of right side of face with right ear visible.
- ☐ 6. Submit Affidavit of support (Form I-864) which needs to be notarized along with the last three years of tax returns, W2s and a job letter or a current paystub for *Sponsor, and/or *Joint Sponsor. Failure to follow the directions and complete this form accurately may result in denial of your application.
- ☐ 7. You must provide a sworn statement for each and every arrest and for charges against you including the dates and places. You must provide certified court dispositions (not police reports) for each and every arrest and charge.
- ☐ 8. Your case is continued for your fingerprints to clear.
- ☐ 9. Your case is continued because you need to submit new fingerprints. (See attached fingerprint referral letter).
- ☐ 10. Submit medical examination (Form I-693) and immunization supplement form from an INS Certified Civil Surgeon. These documents must be in a sealed envelope from the doctor.
- ☐ 11. Please submit the following types of evidence to support the claimed relationship between the petitioner and the beneficiary:
 - ☐ a. Birth Certificates of all children with English translation if necessary.
 - ☐ b. Official Marriage Certificate with English translation if necessary.
 - ☐ c. Proof of termination of previous marriages, such as divorce decrees and death certificates.
 - ☐ d. Copies of wedding photos and other photos of you and your spouse together during your entire relationship.
 - ☐ e. Proof of any joint purchases or ownership, such as TV, furniture, car, house, etc.
 - ☐ f. Proof of joint credit established since marriage, such as joint credit cards, loans, etc.
 - ☐ g. Proofs of actual shared residence such as lease agreements, property deeds or mortgages, etc. If you have none of the above, provide a notarized affidavit from your current landlord.
 - ☐ h. Proof of bank statements for checking and/or savings accounts and canceled checks throughout your marriage.
 - ☐ i. Copies of Taxes and W2's for years 2003, 2002 and 2001.
 - ☐ j. Proof of medical, life and auto insurance during your marriage.
 - ☐ k. Proof of utility bills for a shared residence, such as telephone, electric, gas, etc. You should provide statements that cover the duration of your marriage.

OTHER: You need to file Form I-601 and submit the necessary documents.

*******Please return this letter along with the requested evidence.*******

March 18, 2008
08cv1573

OMB No. 1115-0048

Judge LEINENWEBER

Magistrate Judge COLE

Application for Waiver of
Ground of ExcludabilityU. S. Department of Justice
Immigration and Naturalization Service

DO NOT WRITE IN THIS BLOCK

Fee Stamp

- ☐ 212 (a) (1) ☐ 212 (a) (10)
☐ 212 (a) (3) ☐ 212 (a) (12)
☐ 212 (a) (6) ☐ 212 (a) (19)
☐ 212 (a) (9) ☐ 212 (a) (23)

A. Information about applicant

1. Family Name (Surname in CAPS) (First) (Middle)
HIZOLE Pablo Larga
 2. Address (Number and Street) (Apartment Number)
 3. (Town or City) (State/Country) (Zip/Postal Code)
 4. Date of Birth (Month/Day/Year) 5. INS File Number
09/26/2002 A- 95 918 752
 6. City of Birth 7. Country of Birth
Marinduque Philippines
 8. Date of Visa Application 9. Visa Applied for at:
09/26/2002 Chicago, IL

10. Applicant was declared inadmissible to the United States for the following reasons: (List acts, convictions, or physical or mental conditions. If applicant has active or suspected tuberculosis, page 2 of this form must be fully completed.)

Officer took sworn statement regarding
entry on fraudulent document.

11. Applicant was previously in the United States, as follows:

City and State	From (Date)	To (Date)	INS Status
Chicago, IL	11/1992	present	none

12. Applicant's Social Security Number (if any)
330-92-0610

FOR INS USE ONLY. DO NOT
WRITE IN THIS AREA.

Initial receipt

Resubmitted

Relocated

Completed

Received

Sent

Approved

Denied

Returned

B. Information about relative, through whom applicant is eligible for a waiver

1. Family Name (Surname in CAPS) (First) (Middle)
HIZOLE
 2. Address (Number and Street) (Apartment Number)
 3. (Town or City) (State/Country) (Zip/Postal Code)
Elmhurst, IL, USA 60120
 4. Relationship to applicant 5. INS Status
spouse United States Citizen

C. Information about applicant's other relatives in the U.S.
(List only U.S. citizens and permanent residents)

1. Family Name (Surname in CAPS) (First) (Middle)
HIZOLE
 2. Address (Number and Street) (Apartment Number)
 3. (Town or City) (State/Country) (Zip/Postal Code)
Chicago, IL, USA 60707
 4. Relationship to applicant 5. INS Status
daughter United States Citizen

1. Family Name (Surname in CAPS) (First) (Middle)
 2. Address (Number and Street) (Apartment Number)
 3. (Town or City) (State/Country) (Zip/Postal Code)
 4. Relationship to applicant 5. INS Status
 1. Family Name (Surname in CAPS) (First) (Middle)
 2. Address (Number and Street) (Apartment Number)
 3. (Town or City) (State/Country) (Zip/Postal Code)
 4. Relationship to applicant 5. INS Status

Signature (of applicant or petitioning relative)

✓ Pablo L. Hizole

Relationship to applicant

Date

self

10/07/2004

Signature (of person preparing application, if not the applicant or petitioning relative). I declare that this document was prepared by me at the request of the applicant or petitioning relative, and is based on all information of which I have any knowledge.

Signature

Address 205 N. Michigan Ave Date 10/07/2004
40th Floor, Chicago, IL 60601

Form

EXHIBIT

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LAW OFFICES OF
AZULAY, HORN & SEIDEN, LLC

205 North Michigan Avenue
40th Floor
Chicago, Illinois 60601

ph. 312.832.9200
fx. 312.832.9212
www.ahslaw.com

FROM THE DESK OF:

Christian Schmidt
312.832.9200 x 185
cschmidt@ahslaw.com

March 18, 2008 TG
08cv1573
Judge LEINENWEBER
Magistrate Judge COLE

October 5, 2006

USCIS
101 Congress Parkway 2nd Fl.
Chicago, IL 60605

Re: Follow up on I-601 Waiver
Applicant: HIZOLE, Pablo
A 95 918 752

Dear Officer Tuazon:

Please be advised that we represent the above-named individual. Our signed form G-28 is enclosed.

On October 7, 2004 we filed an I-601 Waiver on behalf of Mr. Pablo Hizole.

Due to the fact that our Waiver has now been pending for 24 months, well over the 16 month processing period, we hereby request that the I-601 Waiver be processed as soon as possible and that a decision regarding same be mailed to the undersigned.

If further information/documentation is required in support of our client's I-601 Waiver application, please advise accordingly. We look forward to receiving a prompt response from you in regards to this matter.

Sincerely,
Y. Judd Azulay

A handwritten signature in black ink, appearing to read 'Y. Judd Azulay', written over a horizontal line.

By Associate Attorney

YJA:CS:mts/Encl.





DEPARTMENT OF HOMELAND SECURITY

U. S. Citizenship and Immigration Service
Chicago District Office

STATUS INQUIRY FORM

ATTN: Officer Tuazon

DATE: 10/5/06

CORRESPONDENCE DETAILS

On Behalf of (Applicant):

A Number: A95 918 752

Name: Hizole Pablo

Last First Middle

Mailing Address: 2546 Grand Ave Apt #

City: Chicago State: IL Zip Code: 60612

Daytime Phone Number: 312-555-1212

Country of Birth: Philippines Date of Birth: 6/26/1950

☐ Check box if author is same as applicant
(DO NOT complete the following if box is checked)

Type of inquiry:

☐ Applicant ☐ Attorney ☐ CBO

Name: Last First Middle

Firm / Organization:

Mailing Address:

Suite # or Apt. #:

City: State: Zip Code

Phone No.:

CORRESPONDENCE INFORMATION
☐ Check if telephonic inquiry

Class: GENERAL

Request Type (check all that apply): ☐ Address Change ☒ General ☐ Received DocumentsType of Application (check one): ☐ Adjustment of Status ☐ Citizenship

FORM FILED (check boxes below that apply):

DATE APPLICATION FILED: 10/7/2004

☐ I-130 ☐ I-485 ☐ I-751 ☐ I-765 ☐ I-824

☐ N-336 ☐ N-400 ☐ N-565 ☐ N-600 ☐ N-643 ☒ Other: I-601 Waiver
REQUEST RESCHEDULE FOR (check one): ☐ Interview ☐ Oath ☐ Fingerprinting

Additional Comments:

*** INQUIRIES MAY BE MADE BY APPLICANTS, BENEFICIARIES, ATTORNEYS, AND ACCREDITED REPRESENTATIVES ONLY. IF YOU ARE AN ATTORNEY, A FORM G-28 MUST BE ATTACHED.

*** CBOs MUST INCLUDE A PRIVACY RELEASE SIGNATURE FROM THE APPLICANT:

Signature: _____

Date: _____

*** MAIL INQUIRIES TO: USCIS, CUSTOMER SERVICE, P.O. BOX 3616, CHICAGO, IL. 60690

CU Revised 08/14/03



AZULAY SEIDEN LAW GROUP

205 North Michigan Ave. | 40th Floor | Chicago, Illinois 60601
ph. 312.832.9200 | fx. 312.832.9212 | www.azulayseiden.com

FROM THE DESK OF:

Rebecca M. Whiting
312.832.9200 x 134
rwhiting@azulayseiden.com

March 18, 2008 TG
08cv1573
Judge LEINENWEBER
Magistrate Judge COLE

January 17, 2008

U.S. Citizenship and Immigration Services
Attn: Officer Rosebelle Tuazon
101 W. Congress Parkway, 2nd Fl.
Chicago, IL 60605

Re: Second Status Inquiry Regarding Forms I-485 and I-601
Applicant: HIZOLE, Pablo (A 95 918 752)

Dear Officer Tuazon:

Please be advised that our office continues to represent the above-named individual. Our signed Form G-28 is enclosed for your review.

In September of 2002, Mr. Hizole filed Form I-485, Application for Lawful Permanent Residence in the United States, based on his approved Form I-130, Petition for Alien Relative, filed by his U.S. citizen spouse, Susan Hizole. The I-485 receipt notice and I-130 approval notice are attached for your review.

Our office represented Mr. Hizole at his adjustment interview, which took place on July 15, 2004 with Officer Rosebelle Tuazon. On July 16, 2004, a Request for Evidence was issued, indicating that in order for Mr. Hizole to adjust his status to a lawful permanent resident he would require Form I-601, Application for Waiver of Ground of Inadmissibility. Officer Tuazon allowed Mr. Hizole 84 days to submit his application, and a timely response was made on October 8, 2004. Please see the attached copies of the Request for Evidence issued by Officer Tuazon, Form I-601, and cover letter filed on October 8, 2004.

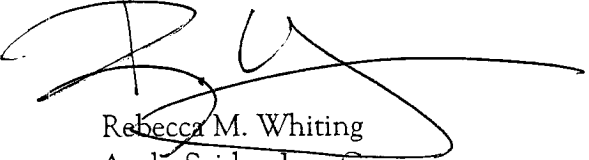
On October 6, 2006 our firm sent an inquiry on behalf of Mr. Hizole in regards to the status of his pending I-485 and I-601 applications and we have yet to receive a response. A copy of this inquiry is also attached for your review. Please note that this is our firm's second inquiry as to the status of these applications.

Due to the fact that Mr. Hizole's Form I-601 has now been pending for over three years, we hereby request that Mr. Hizole's Form I-601 be processed as soon as possible and that a decision regarding the same be mailed to the undersigned.



If further information or documentation is required in support of our client's applications, please advise our office accordingly. We look forward to receiving a prompt response from you in regards to this matter.

Sincerely,



Rebecca M. Whiting
AzulaySeiden Law Group

RW/Encls.